

COMMISSIONERS REGULAR MEETING

April 20, 2016

YORK,ss

At a regular meeting of the County Commissioners of the County of York, begun and holden at the York County Government Building in Alfred, within and for the County of York, being held on Wednesday, April 20, 2016 A. D. at 4:30 P. M.

COMMISSIONERS PRESENT:

Sallie Chandler
Marston D. Lovell
Richard R. Dutremble
Michael J. Cote
Gary Sinden

County Manager Gregory Zinser, H.R. Director Linda Corliss and Finance Director, Vicki Ridlon were present at the meeting.

All present were invited to rise and salute the flag of the United States.

Call Meeting to Order

YOU ARE INVITED TO RISE AND SALUTE THE FLAG OF THE UNITED STATES

04-20-16 ITEM

1 PUBLIC COMMENT(S) ON ANY ITEM(S)

2 TO REVIEW AND APPROVE THE MINUTES OF THE COUNTY COMMISSIONERS' MEETING OF APRIL 6, 2016

Commissioner Dutremble motioned to approve the minutes of April 6, 2016.
Commissioner Cote seconded the motion. Vote 5-0.

3 HEAR ANY REPORTS OF THE COMMISSIONERS

Commissioner Cote informed all present that at the last Maine County Commissioners Association meeting, the group formed a professionalism and management committee which would oversee training for any new Commissioners. They are making a manual of Maine statutes.

4 TO HEAR ANY REPORTS OF THE COUNTY MANAGER

County Manager Zinser replied that he had no formal reports.

5 **OLD BUSINESS**

6 **NEW BUSINESS**

a. **Introduce Linda Corliss – Request for employee transfer to jail records clerk**

County Manager Zinser reminded all that this request was tabled by the Sheriff at the last meeting. H. R. Director, Linda Corliss, requested the Commissioners approve the transfer of Janelle Stewart from the District Attorney's office to the Sheriff's Office (jail) with a May 5th transfer date.

Commissioner Dutremble motioned to approve the transfer. Commissioner Lovell seconded the motion. Vote 5-0.

b. **Discussion with possible action – Sheriff's request to hire corrections officer**

Commissioner Sinden asked Sheriff King how short the jail was on front line staff. Sheriff King replied, nine. Commissioner Sinden asked if this person is ready to go on the floor. The Sheriff responded that he was and would need just a short time to learn rules and regulations. Commissioner Sinden asked if hiring a front line worker would offset overtime usage. Sheriff King responded that yes, the hiring would offset overtime. Commissioner Cote asked County Manager Zinser for his opinion on this hiring. The Manager reminded all that at the last meeting they had not yet decided from a global picture what they were going to be doing this year or next year. He continued that his concern is the Commissioners hire someone then the decision is made in a month that we need to lay off people. This is not fair, continued Mr. Zinser, adding that he is not saying the Sheriff doesn't have vacancies but asked how are we going to end this year and start next year (referring to the deficit). The County Manager also stated that he recognizes hiring will save overtime costs but if we need to go down the road of layoffs in a month or two, it wouldn't be fair. Commissioner Dutremble asked the Sheriff how many positions (corrections officers) he was down. Sheriff King responded that nine positions had been vacated and not yet re-filled. He added that while he understands the Commissioners' reluctance to hire, the positions need to be filled. Commissioner Sinden stated that the last people out the door would be the line workers in his opinion. He continued that if it saves us money, he's not that concerned about the lay off of a line corrections officer at this point. It would make better fiscal sense to risk that and get the person on board. Commissioner Lovell stated that he concurs with Commissioner Sinden and added that it "cuts the bleeding back" if we are not paying time and one half. Commissioner Lovell asked Sheriff King what the average daily population is now. The Sheriff responded that it is above 220 and that all seven pods are filled and that he is concerned about that as well as officer burnout.

Commissioner Lovell motioned to hire Shawn T. Borger with a start date of April 25, 2015. Commissioner Sinden seconded the motion. Vote 5-0.

c. **Act on RFP for auditing services for 3-year term-** (audit bid opening attached as record) County Manager Zinser reported that two (2) bids were received. One from RKO with a cost of \$19,000 for 2016, \$19,500 for 2017 and \$20,000 for 2018 and a bid from RHR Smith at a cost of \$11,500 per year for 3 years.

The County Manager explained that he is hopeful that if the audit services are awarded to RHR Smith, the county's service level will improve. Commissioner Lovell asked if other bid packets were sent out. Finance Director Vicki Ridlon responded that four bid packets were sent out to auditing firms as well as advertised

on the Maine Municipal Association website. Commissioner Cote asked if anyone from RHR was at the meeting. Mr. Zinser responded they were not. Commissioner Cote questioned whether or not anyone has addressed the issues with them. Commissioner Lovell commented that the contract language should address this. County Manager Zinser agreed but stated it was necessary to “*keep after them*”. He reminded all that they saw the presentation or lack thereof of the audit by Ron Smith. Commissioner Dutremble stated that price to him is not relevant but waiting to April to get the statements is foolish. The County Manager agreed but asked if the increase in cost of the audit is justified. Commissioner Lovell asked that if we did go with RHR Smith, would it be possible that prior, the Commissioners could see the contract that binds them. He has concerns about the contract and stated that a contract should be something that penalizes when deadlines are not met. Commissioner Cote asked if it was possible to put this off until the next meeting? County Manager Zinser clarified that the Commissioners were stating that they would like him to talk to RHR Smith.

Commissioner Lovell motioned that the County Manager speak with Ron Smith and bring back to them a contract to take a look at what RHR Smith is proposing. Commissioner Cote seconded the motion. Vote 3-2 (Commissioners Chandler and Dutremble opposed). Motion passes.

d. Appoint a Commissioner to York County New Courthouse Site Selection Commission (ITEM REMOVED)

e. Continue review of County Budget

i. EMA- The County Manager explained that the EMA budget has a proposed 3.18% increase in their budget. Director Art Cleaves presented his budget and informed the Commissioners that the personnel increases are due to an employee being shifted out back. He added that last year the budget committee honed in on why EMA uses Code Red and that he was not pleased with the program and tried to cancel in January but missed the window of opportunity to do so. Mr. Cleaves explained that he is looking at other options. EMA Director Cleaves reported that they were able to secure reimbursable funding in the amount of \$8,500.00 last year for other departments. Commissioner Dutremble asked Mr. Cleaves if he was you satisfied with this budget. He replied that he was.

ii. Sheriff’s Office- (patrol) Sheriff King presented his proposed budget which is scheduled to increase 4.1% due to a couple of new positions including a detective and a part time clerk to assist with the detective’s bureau. Sheriff King expressed concern that the wages included PTO calculations and asked what if someone does not use it. He also stated that he was concerned the Sheriff’s wages are reduced. The Sheriff stated that under Title 30A §373 3 (B) he believes a Sheriff’s wages cannot be reduced. He continued that it’s a \$4,000 difference which should be left in the budget so we comply with the law. Commissioner Dutremble responded that was explained by the Commissioners this last year. The budgeted figure was for the last Sheriff. He continued that he knows why the law is there and that the Commissioners did not decrease Sheriff King’s salary; they, in fact, increased it. Sheriff King stated, “*I didn’t mean to “watch that movie again”. I will sign a statement saying I won’t sue. I cannot concur with a budget that I feel is in violation of the law.*”

Commissioner Lovell commented that he believed it makes sense to include paid time off resulting in a favorable variance rather than not putting it in and if it gets used and you have an unfavorable variance. This results in a more accurate budget and should get favorable results from the budget committee. Commissioner Lovell

continued (to the Sheriff) that ethically he was right and he knows the Sheriff is a very ethical person.

Commissioner Dutremble asked the Sheriff if he was satisfied with his budget. Sheriff King replied he was not. He added that he feels two detectives should be hired and that he has asked to take the court officer position out of his budget and use that money towards these positions as he cannot find anyone to hire for that court officer position.

Commissioner Lovell commented that he spoke with the Saco Police Chief and that they have 37 officers, 50 square miles of territory and 5 detectives. He added that crime is on the increase in York County and although he is not in favor of changing this budget, he understands where the Sheriff is coming from.

iii. Jail- County Manager Zinser recapped that at the last meeting, everyone recognized the fact that the FY 17 budget issue needs to be resolved (deficit). To assist with this issue, The Board directed the County Manager to give them a balanced budget. Mr. Zinser reviewed the balance budget and read the shortfall recommendations. Sheriff King requested that he be allowed to address the lower right hand corner (referring to budget which is attached as record of these minutes) in which a reduction of \$343,000.00 is noted. The Sheriff stated that all efforts will be attempted based on a reduced average daily inmate population but that he will not put the staff at risk and will not violate the MDOC standards. He reminded all that they tried to make this change and had a civil disobedience. Sheriff King asked the Commissioners if they believe in shared commitment and shared sacrifice in the County? He continued that the jail pays \$159,000.00 for Finance and that this County is the only entity that pays for Finance Department services out of their jail budget. He stated that he is curious as to why that burden comes on us (jail). Commissioner Sinden explained that we have a cap and that the cap did not include \$8.3 million plus all of the services that were paid for on the County side by the taxpayers. The choice was presented to the Board of Corrections and the legislature to approve that money as part of the cap or go out and buy those services on the open market. If we cut that out we would be exceeding the cap, explained Commissioner Sinden. The Sheriff asked then why doesn't the jail get charged for Linda Corliss and the Maintenance Manager. County Manager Greg Zinser stated that an update of the calculation has not been done in several years. If we did that, the number would go way up (include HR, IT, Facilities). He continued by stating that the County is subsidizing portions of the jail operations and clarified that no other department in the County operates under a tax cap.

Commissioner Sinden said to the Sheriff that the Commissioners asked him for solutions for the \$700,000 deficit and that his presentation showed \$500,000 of savings which they accepted as a good faith effort on the jail. The Manager included that at a 65% success rate not 100%. The question now is, asked Commissioner Sinden, what should that number be? If it is less than that, how do we get back to a balanced state? Sheriff King responded that he told the Commissioners it was contingent and that he cannot give an exact amount.

Discussion continued as to how to fix the deficit and present a balanced jail budget to the budget committee. Commissioner Sinden stated that he has suggested cutting personnel. Sheriff King replied that he has asked the two certified Jail Administrators if "we" are we heavy and they say no. He stated that he needs each of those people and his Lieutenants, too. The Sheriff continued by stating that the work is protected by Union contracts and that he cannot move personnel as he will get a grievance.

Commissioner Sinden asked Sheriff King how we will pay these people when we run out of money? He reminded the Sheriff that we do have a cap by law that we cannot exceed. *"You asked for cooperation and we approved the new line officer we to save some money"*, stated Commissioner Sinden. Sheriff King stated that the Commissioners fund the jail and he runs it. He recommended going to the Governor and the legislators and ask if we can take that \$159,000 and put that toward the budget. We spent the spring going to the legislators and we did get some money to help reduce the \$700,000 deficit. Sheriff King continued by saying that he constantly hears it's a drop in the bucket. Last year, we didn't get \$192,000 through overriding (LD1). He continued that they are replacing people that retire with lower paid employees. Sheriff King stated that he believes we can manage our way out of it and it is not as bleak as it appears. Commissioner Sinden responded that he takes exception to what the Sheriff said in that it was essentially the Commissioners' problem and reminded the Sheriff of the cost for the four corrections officers who were out for 113 weeks at a cost of over \$340,000.00. He reminded the Sheriff that he began his term half way through the paid leave of the four corrections officers and let the clock run. Sheriff King responded that he didn't say it was your problem but that there is a structural gap indicative of poor design. He continued that they just don't have the money. *"It is not poor management. This is just the way it is. We need to go to the legislature and talk about this cap. We cannot take this kind of money to build up the Finance Department"*, stated King, *when we are going to lay off Corrections Officers"*, continued King. Commissioner Sinden replied that he said he would oppose that.

Commissioner Dutremble stated that \$343,000.00 is a projection of savings by the Sheriff's suggestion and will have to be monitored every month and see where the savings are and if difficulties, red flags show, other decisions will have to be made. There was a discussion of year to date salary figures not adding up with overtime.

County Manager Zinser circulated the Rod Miller report and spoke about the calculation of overtime and how we look at it. He explained that he and the Finance Director recreated the report using the county's Jantek system. (Miller report and recreated worksheet attached as record of meeting). County Manager Zinser stated that it appears that overtime has been overbooked. He added that he thinks we need to better understand how many Corrections Officers we need to run the facility. He reminded all that the Rod Miller report is designed for every pod to be open. Commissioner Lovell commented that employee turnover can cause an increase in overtime. County Manager Zinser suggested taking a hard look at staffing deployment level and personnel. Commissioner Cote stated that it is obvious we have more work to do before we can finalize this. Commissioner Sinden commented that we have done the numbers and asked the Sheriff for his solutions and plugged them in at a favorable level and increased taxes and determined the number needed to be obtained through personnel reductions. He continued that he doesn't know where we are going to get the money. We need to get the budget to the budget committee. What is going to change between now and May 1st?

Commissioner Lovell commented that he agrees with Commissioner Sinden that we should put this budget to bed and that he agrees with Mr. Zinser that this does need more work. Commissioner Lovell added that he believes the County Manager is on the right track and hopes the Commissioners will encourage Mr. Zinser to continue this work. Commissioner Dutremble added that if the jail does not start meeting the projections given, then we will need to do something else. Commissioner Sinden asked what would be the something else we can look at? Commissioner Dutremble replied that is to be determined. These projections have to be adhered.

Commissioner Sinden responded that we have absolutely no operational authority-our Board is different. Commissioner Dutremble replied that we have the authority to put a freeze and if they overspend, they are in trouble.

Commissioner Dutremble asked the Sheriff if he was given eighty-nine (89) or ninety (90) corrections officers, would he need the overtime and the Sheriff replied no.

The County Manager stated that it is his recommendation to submit the jail budget to the budget committee. County Manager Zinser requested a directive from the Commissioners to continue looking into staffing needed at the jail.

Commissioner Lovell moved that the Commissioners ask Mr. Zinser refine the work he has begun regarding the jail staffing in order to have more accurate information. Commissioner Dutremble seconded the motion. Vote 5-0.

f. Discussion and possible approval of FY17 Commissioners proposed budget-jail and county budget as presented by the Manager 5-0.

Sheriff King commented that on the jail budget presented by the County Manager showing the latest reductions and stated that, *"We did not work together. I never concurred with any type of lay off. I am in charge of operations and a very collaborative person. Come down and speak to the employees if you feel we have too many employees"*.

Commissioner Sinden asked the Sheriff if he could please inform all present about what happened at the jail the other night with the response that occurred. Sheriff King replied that he would prefer doing an after action report in a couple of days. Commissioner Sinden replied that he's been getting questions about the mistake in miscommunication. He stated that all of the people that responded must've cost a lot of money. Commissioner Sinden wondered where should they have been when they were all down blocking the road to the jail? People are concerned about that, he stated. *"I see no humor in that"*, Commissioner Sinden stated. Sheriff King replied that they can e-mail him and he will answer them. Commissioner Sinden responded that it would be easier if we all knew when people ask us.

County Manager Zinser reminded all that we haven't addressed where we end the jail budget this year. He informed all that they did a re-projection and the deficit is around \$500,000.00. The County Manager continued that the operational changes were taken into account but that those now need to be put back in bringing the deficit back up to around \$600,000.00. If we get supplemental funding, the deficit would be reduced to around \$280,000.00. The question is how do we close that gap? Do we enter next year in a deficit or do we increase taxes even more or figure out some other way to figure out that cost? County Manager Zinser told the Commissioners that he will keep monitoring the situation and give them another report (re-projection) at the next meeting. He added that he would be hesitant to look at layoffs at this point (short period of time). The County Manager encouraged anyone who has savings ideas to come forward.

g. Teamsters Request to be heard before the Commissioners –Removed from the agenda.

7

PUBLIC COMMENT(S) ON ANY ITEM(S)

Amy Fairfield addressed the Board and informed them all that she sits on the Jail Board of Visitors and is also a Criminal Defense Attorney in York and Cumberland Counties. She urged the Commissioners to go to Augusta and try to decriminalize

some of the crimes that now put people in jail. Attorney Fairfield reminded all that the Sheriff has no control over who goes to jail. She asked where does it say that this budget has to be balanced and told the Commissioners that they made a real mistake and that the jail is a dangerous place to be. Ms. Fairfield questioned why personnel were being cut at the jail and putting people at risk when we are having landscaping and improvements done. She continued that she feels the priorities are out of whack.

Rachel Sherman asked why the discussion of LD 890 wasn't on the agenda. The County Manager answered that they were still running numbers as to the effect its passage would have.

- 8 TO CONDUCT AN EXECUTIVE SESSION ON PERSONNEL ISSUES
PURSUANT TO 1 M.R.S.A. §405 (6) (A), ACQUISITION OF REAL
PROPERTY OR ECONOMIC DEVELOPMENT PURSUANT TO 1 M.R.S.A.
§ 405 (6) (C), LABOR NEGOTIATIONS PURSUANT TO 1 M.R.S.A. § 405 (6)
(D) AND CONSULTATION WITH LEGAL COUNSEL PURSUANT TO 1
M.R.S.A. § 405 (6) (E).**

None

- 9 ADJOURN**

Commissioner Sinden motioned to adjourn. Commissioner Dutremble seconded the motion. Vote 5-0. Meeting adjourned at 6:10.